

Amendment No. 2 to HB1574

Evans
Signature of Sponsor

AMEND Senate Bill No. 1751

House Bill No. 1574*

by deleting all language following the enacting clause of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-431(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)

(1) A pharmacy shall not sell products containing ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers unless one (1) form of identification required in subsection (d) is used to make the purchase or if two (2) or more forms of identification required in subsection (d) are used to purchase the products.

(2) The identification required in subdivision (c)(1) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed health care practitioner authorized to prescribe by the laws of the state.

(3) This subsection (c) also shall apply to pharmacist-generated prescription orders of the product pursuant to § 63-10-206. The provision of the patient education and counseling as a part of the practice of pharmacy shall be required when any product is issued under this subsection (c).

(4) There shall be no protocol or procedure mandated by any individual or corporate entity that interferes with the pharmacist's professional duty to counsel and evaluate the patient's appropriate pharmaceutical needs and the

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exercise of the pharmacist's professional judgment as to whether it is appropriate to dispense medication as set forth in subsection (d) or otherwise.

SECTION 2. Tennessee Code Annotated, Section 39-17-431, is amended by deleting the first sentence of subsection (j) and substituting instead the following:

The NPLEx shall generate a stop sale alert, if completion of a sale would result in the seller or purchaser violating subsection (c) of this section. The system shall contain an override function that may be used by a dispenser of ephedrine or pseudoephedrine who has a reasonable fear of imminent bodily harm if the sale is not completed.

SECTION 3. Tennessee Code Annotated, Section 39-17-431, is amended by deleting subdivision (C) and (D) of subdivision (m)(1) and redesignating accordingly:

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.